

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE MCDANIEL LITIGATION

20 Civ. 995 (KPF);
19 Civ. 7680 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

On November 14, 2022, Defendants filed a pre-motion letter regarding their anticipated motion for summary judgment in this matter. (Dkt. #124). The Court then issued an order on November 28, 2022, providing Plaintiff with nearly a month to file a response, setting a pre-motion conference for January 5, 2023, and ordering then-incarcerated Plaintiff's production on that date. (Dkt. #125). Upon direction from the Court, the Clerk of Court mailed the November 28, 2022 Order to Plaintiff at Bare Hill Correctional Facility, where he resided. On December 15, 2022, however, the Court received a letter from Plaintiff noting that he was released from custody on November 23, 2022, and now resides at an address in New York. (Dkt. #126). Upon receiving this letter, and out of concern that Plaintiff may not have received Defendants' pre-motion letter or the Court's subsequent order, the Court issued an order on December 28, 2022, giving Plaintiff until January 24, 2023, to respond to the pre-motion letter, and adjourning the conference to February 2, 2023. (Dkt. #127). In that Order, the Court directed the Clerk of Court to mail the Order to Plaintiff at his new address, but it appears the Order was never sent. Accordingly, when the Court held the scheduled pre-motion conference on February 2, 2023, Plaintiff failed to appear.

In light of the above, the Court will no longer issue an Order to Show Cause at this time. Plaintiff is directed to file a response to Defendants' pre-motion letter on or before **February 28, 2023**, and the parties are directed to appear for a second pre-motion conference on **March 7, 2023, at 10:30 a.m.** The conference will be held telephonically. At the scheduled date and time, the parties are to call (888) 363-4749 and enter access code 5123533.

The Clerk of Court is hereby directed to mail a copy of this Order, the Court's November 28, 2022 Order (Dkt. #125), and the Court's December 28, 2022 Order (Dkt. #127) to Plaintiff at his address of record.

SO ORDERED.

Dated: February 2, 2023
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

KATHERINE POLK FAILLA
United States District Judge